THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19398 OF 2007

DATED: 08-10-2007

BETWEEN

K. Kathyayeni,
W/o. Late Sikhadev,
Occ: Agriculturist,
R/o. Karakambadi Village,
Renigunta Mandal,
Chittoor District and
others.

...PETITIONERS

AND

The District Collector,
Chittoor District,
Chittoor and two others.

...RESPONDENTS

ORDER:

The land in Sy.Nos.55, 57, 58/5, 59, 60 and 62 to 70 in an extent of Ac.159.64 cents is an estate land Karakambadi Survey group in erstwhile Chandragiri Taluk presently Renigunta Mandal and patta was granted under Section 11(a) of the Estate Abolition Act, 1948 in favour of R. Venkata Reddy by the settlement officer in 1969. Against the said order the District Collector preferred a revision before the Director of Settlements, Andhra Pradesh, Hyderabad objection the grant of patta and the revision was dismissed. Aggrieved by the same a writ petition was filed, which was also dismissed, against which a review is said to have been pending.

2. Learned counsel for the petitioners submits that in the said land the petitioners herein numbering 58 are in occupation and enjoyment of small

extents of land and in fact, some of them have been granted DKT pattas long back by the then Tahsildar, Chandragiri and they have been cultivating the said DKT lands. While so, the land is sought to be acquired for providing house pattas to the beneficiaries under the Indiramma Housing Programme and Rajiv Swagath Schemes and accordingly surveyed the land. Accordingly, proposals have been sent to publish draft notification and draft declaration under the Land Acquisition Act. The proposals dated 10.09.2007 have been submitted by the Tahsildar, Renigunta.

3. It is the case of the petitioners that admittedly they have been in possession of the said land and that even assuming that they are encroachers they cannot be evicted without following due process of law by issuing notice under Section 7 and passing final orders under Section 6 of the Land Acquisition Act.

4. Learned Government Pleader, on instructions, submits that the petitioners are encroachers and they have no right over the above lands. Some of them have been issued DKT pattas long back by the then Tahsildar, Chandragiri except one of the petitioners.

5. If that be so, I am of the opinion that the respondents cannot dispossess the petitioners from the lands in their possession.

The writ petition is accordingly disposed of directing the respondents not to dispossess the petitioners without following due process of law. There shall be no order as to costs.

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V. ESWARAIAH, J

October 8, 2007
Note: Issue wire at party's costs
(**B/o**)
DSK